

REMARKS

Claims 11-14 and 32-37 are pending. Claim 31 was canceled previously. Claims 38 and 39 are canceled by this communication. Claims 11-14 and 32-39 are rejected. Claims 35-37 are objected to.

Objection under 37 U.S.C. 1.75(c)

Claims 35-37 are objected to under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claims 35-37 are amended. Applicants believe that the objection is moot in light of the amendment to the claims.

Rejections under 35 USC 112

Claims 11-14 and 32-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Applicants believe that the rejection is moot in light of the amendment to the claim 11.

Claims 35-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 35-37 are amended. Applicants believe that the rejection is moot in light of the amendment to the claims.

Rejections under 35 USC 103

Claims 11-14, and 33 are rejected under 35 USC 103(a) as being unpatentable over Horres (US 2005/0129731).

Claim 11 defines an implantable device comprising a coating. The coating comprises a polymeric composition of a polysulfone (A) and an elastomeric polymer (B). The elastomeric polymer (B) is one of polyisobutylene, polyperfluoroalkylene, polyhexafluoropentene, polysiloxane, natural rubber, nylon, poly(lauryl methacrylate), and a combination thereof.

Horres describes medical products with at least one biocompatible biostable polysulfone layer. The medical product can be in the form of stents (abstract). The polysulfones are mixed with other hydrophilic polymers in a suitable amount. However, Horres does not teach or suggest a coating having a polysulfone (A) and an elastomeric polymer (B) as defined by claim 11. None of the polymers in claim 5 of Horres fall within the scope of elastomeric polymers as defined in claim 11 of the instant application. Further, an elastomeric polymer has a rubber like molecular structure which can provide the coating with fracture toughness during use of a device such as stent, elastic behavior at physiological conditions, and higher degree of adhesion to the device. The combination of properties imparted by an elastomeric polymer or an elastomeric polymer block and properties imparted by polysulfone polymer or block would impart to a coating desirable mechanical, chemical and biological properties. There is no teaching in Horres for one of ordinary skilled in the art to make and use a polymer blend or a polymer conjugate comprising a polysulfone and an elastomeric polymer as defined in the claims. Accordingly, claim 11 is patentably allowable over Horres under 35 U.S.C. 103(a). Claims 12, 13, 14, 33, 38 and 39 depend from claim 11 and are patentably allowable over Horres under 35 U.S.C. 103(a) for at least the same reason.

CONCLUSION

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. **07-1850**.

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Respectfully submitted,

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